

The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ROBERT CONKLIN, an individual,

NO. 3:10-cv-05281-RBL

Plaintiff,

vs.

STIPULATION AND ORDER RE:
RELATION BACK OF PLAINTIFF'S
AMENDED COMPLAINT

THURSTON COUNTY, the THURSTON
COUNTY SHERIFF'S OFFICE,
THURSTON COUNTY SHERIFF'S
DETECTIVE FRAWLEY, the CITY OF
YELM, the YELM POLICE
DEPARTMENT, and JOHN DOES 1-20,
employees and officials of Thurston County,
the Thurston County Sheriff's Department,
the City of Yelm, and the Yelm Police
Department,

Defendants.

Plaintiff, Robert Conklin, by and through his attorneys of record, Michael J. Kelly
and the law firm of Van Siclen, Stocks & Firkins and Defendants Thurston County and the
City of Yelm, *et. al.*, through their counsel of Record John Justice of the law firm of Law,
Lyman, Daniel, Kamerrer & Bogdanovich, P.S. (Thurston Co. Defendants) and Robert

STIPULATION AND ORDER RE: RELATION BACK OF
PLAINTIFF'S AMENDED COMPLAINT - 1
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VAN SICLEN, STOCKS & FIRKINS
A Professional Service Corporation
721 45th Street NE
Auburn, WA 98002-1381
(253) 859-8899

1 Christie and Jason Rosen of the Christie Law Group, PLLC (Yelm Defendants) enter the
2 following Stipulation:

3
4 1. This lawsuit was filed twice by Plaintiff, initially on January 22, 2010 and
5 again on March 23, 2010 for legal reasons relating to Washington's claim filing statute,
6 RCW 4.96.020, and the strict Washington case law with respect to the interpretation of the
7 60-day waiting period and tolling of the statute of limitations related to that statute. *Castro v.*
8 *Stanwood School District No. 401*, 151 Wn.2d 221 (2004) and *Troxell v. Rainier Public*
9 *School District*, 154 Wn.2d 345 (2005).

10
11 2. The respective Complaints in each of the two lawsuits set forth the identical
12 facts, but other sections of those Complaints differ in ways that make a single answer from each
13 Defendant impossible and, if left in place would result in two Answers from each Defendant,
14 rather than one.
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16
17 3. In order to alleviate this unnecessary problem, Plaintiff has agreed to file an
18 Amended Complaint, and has done so simultaneously with this Stipulation.

19
20 4. The parties further agree and stipulate that, for the purposes of any statute of
21 limitations or other defenses related to the timing of the filings, Plaintiff's Amended Complaint
22 relates back to the dates of filing for the original Complaints, respectively.
23
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29

1 DATED this 13th day of May, 2010.

2 VAN SICLEN, STOCKS & FIRKINS

3 /S/ Michael Kelly

4 By: _____
5 Michael J. Kelly, WSBA #31816
6 Attorney for Plaintiff

7 DATED this 13th day of May, 2010.

8 LAW, LYMAN, DANIEL, KAMERRER & BOGDANOVICH, P.S.

9 /S/ John Justice

10 By: _____
11 John Justice
12 Attorneys for Thurston Co. Defendants

13 DATED this 13th day of May, 2010.

14 CHRISTIE LAW GROUP, PLLC

15 /S/ Jason Rosen

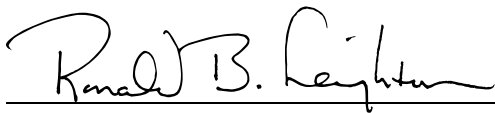
16 By: _____
17 Robert Christie, WSBA #10895
18 Jason Rosen, WSBA# 26550
19 Attorneys for Yelm Defendants

ORDER

The Court has reviewed the stipulation above, NOW THEREFORE

IT IS HEREBY ORDERED that Plaintiff's Amended Complaint in Cause Number 3:10-cv-05281-RBL is deemed to relate back to the dates of filing of the original complaints, respectively.

DONE this 20th of May, 2010.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE